

## THIRTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas, Friday, March 3, 1899.

Senate met pursuant to adjournment.  
President Pro Tem. Stafford in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Stone.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

McGee.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Dibrell, the same was dispensed with.

## RESOLUTION OF RESPECT.

By unanimous consent, the following was offered:

By Senator James:

Resolved, That the Senate of Texas learns with profound sorrow of the death of Hon. John W. Cranford, a late member of this body and an honored Representative of Texas in our National Congress.

That in his death the nation loses an illustrious statesman, our State, one of its most honored servants, and the community at large, a patriotic and useful citizen.

That when the Senate adjourns today it do so out of respect to his memory, and that a page of the Senate Journal be set apart for the publication of this resolution.

On motion of Senator Goss, the above was adopted unanimously by a rising vote.

## EXCUSED.

On motion of Senator James, Mrs. Pauline Evans, Postmistress of the Senate, was excused for today, tomorrow and

Monday of next week on account of important business.

On motion of Senator Sebastian, Enrolling Clerk, Jno. L. Stephenson, was excused for today, tomorrow and Monday of next week on account of important business.

On motion of Senator Neal, Senator McGee was excused indefinitely on account of sickness.

On motion of Senator Atlee, Committee Clerk, Miss Faith Harrison, was excused for today and tomorrow on account of important business.

## PETITIONS AND MEMORIALS.

By Senator Atlee:

Memorial from citizens of Duval county, praying that theft of a goat or a sheep be made a felony, and punishable as such.

Read, and referred to Judiciary Committee No. 2.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, March 3, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 206, being a bill to be entitled "An Act to authorize corporations now or hereafter incorporated under the laws of this State for the purpose of acquiring and operating union passenger depots, to condemn land for the purpose of their incorporation,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, March 3, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 400, being a bill to be entitled "An Act granting permission to B. T. Gohlson and J. W. Benson, or their assigns, to bring suit against the State of Texas in the District Court of Lampasas county, to ascertain the amount, if any, is due them for services rendered the State as rangers or soldiers,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, March 2, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 119, being a bill to be entitled "An Act to amend Article 4368, Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railroad companies with respect to their general and public offices and the residence of their officers to be kept and maintained within this State,"

Have had the same under consideration, and I am instructed by said committee to report the attached substitute bill in lieu of the said original bill and recommend that it *do pass*.

ODELL, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 18, being a bill to be entitled "An Act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the first day of January, 1887, and which have failed or about to fail to construct their roads and branches, or any part thereof, within the time required by law,"

And find the same correctly enrolled, and have this day, at 10 a. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 1, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Enrolled Bills, have carefully examined and compared

Senate bill No. 156, being a bill to be entitled "An Act to authorize railroad companies of this State to accept and exercise the rights and privileges conferred upon them by acts of Congress granting them rights of way for their roads in and through the Indian Territory, without limiting the authority of the laws of Texas over so much of such railroads as may be within the State of Texas,"

And find the same correctly enrolled, and have this day, at 3:50 p. m., presented the same to the Governor for his approval.

GRINNAN, Chairman.

Committee Room,  
Austin, Texas, March 2, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 215, being a bill to be entitled "An Act defining the offense of defrauding a hotel or boarding house, and fixing a penalty therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

Senator Davidson, as a member of the special committee appointed to investigate and report on the State Reformatory, sent up and had read a supplemental report, which, with the exhibits thereto attached, was, on motion of Senator Odell, ordered printed in the Journal. They are as follows:

Austin, Texas, March 2, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: As a member of the committee sent to Gatesville to investigate the condition and management of the House of Correction and Reformatory at that place, we beg leave to file the following supplemental report and say that since the filing of the committee report there has come into our hands a letter mailed at Waco, Texas, on September 20, 1897, at 9 o'clock a. m., marked on the back of the same, "after five days return to Box 753, Waco, Texas," and addressed to Gatesville, Texas, Box 117. Enclosed in said above described envelope was the following letter:

"DEAR PA: Enclosed find voucher for the carbolineum; also a voucher in favor of Paine, Chatham & Co. I bought these things from them, and if you can put this voucher in this month I wish you would. It is things you use at Ref. every month, and the trustees will not know anything about it. The first two months I was here I got behind on my payments for lumber, wagon, etc. I have paid up nearly everything to date, and I think by the 5th or 6th I will be paid up, and when I get those things paid out I can save that \$75 each month. My milk trade is increasing a little all the time. We have solicited no new trade lately, as we were selling all our milk, but I got in three new cows this week from Mr. Mackay, and will work up a trade for their milk this week. I expect to come out on top yet with the

milk business. I guess I will be up Saturday. Love to all.

"Your son,  
"EUGENE."

And we beg to attach vouchers from the Comptroller's office No. 17 and No. 18, the letters and vouchers speaking for themselves, the original letter and vouchers being in the hands of the proper custodians in the city of Austin.

Respectfully  
DAVIDSON.

Voucher No. 17.

Texas House of Correction and Reformatory.

To C. F. Smith, Dr.

Sept. 29, 1897—

45 gal. carbolineum.....\$49.50  
(Signed.)

C. F. SMITH.

(Approved.)

A. MATTHEW,  
G. M. SHUMATE,

J. F. McGUIRE, Superintendent.

[The within is a true copy of the original on file in this office.

Austin, Texas, March 2, 1899.

R. W. FINLEY, Comptroller.]

Voucher 18.

Texas House of Correction and Reformatory.

To Paine, Chatham & Co., Dr.

Sept. 15, 1897—

To 337 ft. 3-4 inch pipe, at 3 1-4..	\$10 95
To 24x6 wood pulley, 1 7-16.....	3 75
To 3 10x6 wood pulley, 1 7-16...	7 50
To 2 1 7-16 collars.....	55
To 8 1-2x6 bolts.....	30
To 1 1-2 inch link globe valve...	60
To 36 ft. 1-2 inch pipe at \$2.40..	86
To 4 1-2 inch tees.....	20
To 3 1-2 inch unions.....	30
To 20 ft. 1 7-16 shaft.....	5 00
To 17 ft. 1-2 pipe.....	42
To 1 5-8x10 can glass.....	15
To 4 shaft hangers.....	6 00
To 1 lb. Jenkins Packing.....	1 00
To 94 ft. 1 1-2 inch pipe at 4....	3 76
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	\$41 64

(Signed.)

PAINE, CHATHAM & Co.,  
per M.

(Approved.)

A. MATTHEW,  
G. M. SHUMATE,  
J. F. McGUIRE, Superintendent.

[The within is a true copy of the original on file in this office.

Austin, Texas, March 2, 1899.

R. W. FINLEY, Comptroller.]

Senator Atlee moved, in justification of the committee, that the testimony adduced before them in making their investigation of said institution be printed in the Journal.

So ordered, the testimony being as follows:

#### STATEMENT OF T. M. DAVIDSON.

I have been here at the Reformatory for five years. I have been off part of the time in 1897. I was off for about eight months. When I came here I did night duty as guard. I served as night watchman for five months. Then I carried squads on day duty. I have served in this capacity most of the time since I have been here. It was my business to take these squads to work on the different farms. In December, 1898, I left the 16th, and up to that time I was breaking State land. During November I was sowing wheat in Mr. McGuire's place. During October I broke the land and worked over there altogether. I don't know how much work I done over there, but would estimate it at about three months. I had on an average about five men and about five teams. They were the State's teams. Only myself guarded the convicts. There was not much other work to be done there. It was something over a week until we had the land prepared. We had eighteen double shovels, and I and another guard sowed the wheat and the boys were plowing it in. I was drawing my pay from the State during this time, and the other guard was doing the same. All material used was the State's material. The State's farm was in about the same condition as it is now. It was not broken during this season. I went and worked on McGuire's farm at the instance of Capt. McGuire. He was there while I was at work there. Cotton, corn, oats and wheat were raised on that place last year. Mr. Woods superintended the work and kept two convicts there nearly all of the time. The balance of the work was done by the convicts. Woods hired these boys and had the land rented from McGuire. The crop on the other land cultivated by McGuire was made by the State work entirely. McGuire had some teams here at the Reformatory, and they were fed by the State, and were also worked on the State farm the same as the State's teams. Eighty acres was in wheat; I don't know the exact amount in oats. I suppose there was about 150 acres gathered there last year by the use of the convicts and State property (oats and wheat together). Woods cultivated the balance of the land on the McGuire farm. I did

not make any report showing the number of days; McGuire did not order me to do so. It was the guard's duty that had the convicts in charge to keep a record of the time. They did not instruct me to make a report. When I worked the boys at other places I was instructed to make a report of the work. But was never ordered to do so by McGuire when I worked on his place. I don't know much about the year 1897, as I was not there for eight months. There was a crop made on the McGuire farm in 1897 with State labor, teams, etc., and there was no report made to my knowledge. I was here when the place was cleared up, and there was no report made as to the time the convicts worked that I know of. Some wood was cut there and hauled down to his farm and used in digging a well on his farm. The foreman that dug the well was hired, but his assistants were convicts from this place. I cannot say how long it took them to dig the well. They went down to about 900 feet deep. I believe they dug two wells there with convict labor. There was no account rendered to the State for the services of these convicts, as far as I know. Three convicts were constantly kept there, as well as I can remember. I don't know where they were fed. In 1896 and 1898 the convicts were kept on the food of the State when they worked on the McGuire place. McGuire was there, and was not mentally defected that I know of. Sometime in 1897 he seemed to be going wrong somehow or the other. I heard them talk of the cows that were bought by the Reformatory, but did not see them. I understood that he bought them from his son. I don't know whether there was a mortgage on the cattle held by some one else or not. I suppose that Mr. Woods might know something about it. I don't know how much was paid for these cattle. I think that there was some wood hauled from the McGuire place to the Reformatory. But cannot say how much. It was scrubby timber that was cut on the mountains at that place. I would not consider this wood merchantable wood. I think the roots were still attached to it, and was only trimmed up and hauled over. I did not have anything to do with the purchasing of groceries, dry goods, etc., for this institution, and have heard of no rebate being given to merchants. I have seen hay hauled from this place to the McGuire place. But have never seen any hauled from the McGuire farm to the Reformatory. I do not know anything about the herd of cattle now here. I have seen them carrying cattle back and forward.

I do not know what became of the young cattle. I cut some hay with the convicts on the Schley place. Part of it was hauled away and part of it was hauled to the Reformatory. I loaded one car of hay, and it was shipped to Eugene McGuire at Waco, who was running a dairy there at that time. It was cut and hauled by the State's labor and cut with the machinery of the State and hauled by the State's wagons. This was in 1897. I was here on extra duty in 1897 when the hay was cut. I was here in 1896 and 1897 when the convicts were working, from January 1st, on the place rented by Rogers and Eugene McGuire. I had twenty-one boys, as well as I can remember, there from the first day of January until the first day of June. They used the teams that were furnished by the owners of the land. They were fed from the Reformatory. During cotton chopping time we had about sixty boys. They worked good average time. There was 700 acres in cotton. The crop, as to my understanding, belonged to E. A. Rogers and Eugene McGuire. There were about 900 acres in cultivation in all, 200 of which were in corn, and was cultivated by convict labor. I was not there during the picking season. I cannot say how long the men were there during cotton chopping time. The convicts worked the crop clear on through. I would stay there from Monday until Saturday, and had all the time twenty-one boys, including two cooks and one water boy. I was here when the cotton was picked. I was not on the place when it was picked. I have not seen Capt. McGuire since the first of the month. I think his mental condition is in a bad shape, and has been that way something over a year. He has been about the same during this entire time. I think he is gradually losing his mind. He directed the affairs of this place and kept up with it up to the time that his term of office expired. I don't know how much corn I have seen hauled from here to his place. I cannot say how many loads. I have seen corn hauled over there. The house moved from the farm of McGuire's was done by Dumas with the help of the convict labor to take the same to town. The cleaning of Mr. McGuire's place in town was done by convict labor. They commenced work there about the time I went away, and was away up to the time he moved. I made the report of the time of the convicts worked on the place for young McGuire and Rogers, and gave the reports to Capt. McGuire. I do not know what the total amount was. I don't know whether it was ever paid or not. I cannot estimate

how much it would amount to. But am sure that it would be several hundred dollars. I can not say that it was McGuire's place and not Eugene McGuire's and Rogers. I don't know how they were fixed financially. I fenced the McGuire farm after he bought it. I used convict labor for this work. I think, as well as I can remember, it was two and one-half months before we finished putting fence around, with about two and part of the time three squads of convicts. I had from twelve to fourteen convicts and the other guards had about the same number. I don't know how long the fence is. I fenced the east, north and south side. In addition to this we fenced off some lots. I did not render any amount of time to the Captain, but kept no record at all of the work done by the convicts on his place, but did the same as I did while working the convicts on the State farm. The wheat crop and oat crop was planted by the State labor 1898, 80 acres and the balance in oats to make 150 acres. The State labor harvested this wheat and oats. I did this myself and three other guards. The State labor did the shocking. Paine had the shocking crew of about ten to twelve boys. There was no account made of that labor to the State, and I made none. The time consumed was about from six to eight weeks. The State labor ran the threshing machine owned by Bush Williamson. This took about forty-five convicts. I think it was 1600 bushels of wheat, and I don't know how many oats. It was sacked on the ground. He sold the oats in Gatesville. Mr. Blakemore and myself did the work of hauling the oats with five wagons and convict labor. We had two boys to each wagon. These were State wagons and teams, and we were drawing State pay. The wheat was put in a bin, and State labor put it in a bin. They hauled and put it in one of the State bins for awhile. When they took it out of the State bins they took it to Gatesville. It was hauled to Gatesville by convict labor. I don't know whether this was shipped or not. I did not make any report of the work and time consumed to the superintendent. No report whatever was made to my knowledge. I know nothing about five cows that a Waco man had a mortgage on. I remember them talking about five cows the State bought from McGuire. The gray mare that Mr. McGuire has came from near McGregor. She was owned by a man by the name of Wagner, and I think they paid for her, but do not know whether this was in work of convicts or not. I don't know of anyone that does. Our sergeant had contracted

to buy the colt, but when the time came he backed out, and McGuire agreed to take the colt. He agreed to pay a certain price for the colt, but when the time came he refused to take it as some of the boys told him that it was too much for the colt. The wheat that was sowed on the McGuire farm was bought partly from Bush Williamson. McGuire sent me there to get the wheat, and asked me whether I had a voucher to pay for it, if not, I had better take one and sign it for the wheat. I don't know whether a voucher was made out for the wheat or not. None of this wheat was used on the State farm. I think about twenty bushels of wheat was bought at 85 cents. When Captain McGuire asked me whether I had a voucher, Gordon McGuire spoke up and said that he would attend to it. This was some time in September, 1898. I hauled this wheat with State labor, teams, and sowed it with State teams and implements and labor. I do not know whether McGuire ever rented this place to the State or not. I have never heard of any products of this farm being hauled to the Reformatory, and used here. When I was steward here before, he furnished that place with provisions, just like he did the Reformatory. I could not say how much per month he sent over. There was a family living there at that time, and all that they consumed was sent over. I did not furnish Eugene McGuire with any provisions. I don't know McGuire's reputation for honesty. But I should think that if he took care of the money he made here, he ought to be rich. He paid out large notes for his son, Eugene McGuire; one I know for \$700. In 1897, one morning as we were walking over from town, he told me that he had paid out \$500 that morning for his son. The feed of the State and for the State animals was cut short at one time, but his private stock received their full rations all the time. They cut off the feed, and hauled some to the McKenzie place to feed stock. The land that the hay was cut off was cut on share; this was the Cogan place. I was not on a hay camp last season. The two boys that were kept on the McGuire farm, were kept there nearly all of the year. They were trusted convicts. He kept two white boys, and then a negro and a white boy. They worked for Woods, the man who had the farm rented. I don't know whether any butter was ever sold from here or not. If any of the guards or employes violated any of the rules, Captain McGuire would tell them that if they would say nothing about the management of the place, he would retain them in the employ of the Reformatory.

The time of Culberson's second term, just before the election, he had a man here who filled the steward's place, and he was a third party man. He told me that he would fire him out and give me the place. He told me that that third party man was doing all he could against him, and that he would fire him. After the election he gave him the place of steward. He said he had no objection to my work, but that his wife wanted the other man to have the place. Before that there was a talk of a grand jury taking up his administration, and I think he wanted me away from here on that account. He asked me where I was going, when I left, and I told him that I was going to stay at Gatesville. He then told me he would keep me in the employ. The grand jury met in a few days after that. He gave me my job back. He did not give me any reason for taking me back. I have been in Coryell county for about five years. Mr. McGuire and I are on good terms. I thought a little hard of him for awhile, when he took my job and gave it to a third party man.

STATEMENT OF R. W. MARTIN.

To begin with I would state to this committee that about two years ago there was considerable complaint with reference to the conduct of the State Reformatory, as to the advantages being taken of the State out there. I understood it that the State was running a dairy farm out there for the benefit of other persons than the State. This was just before the Legislature met. At the convening of the Legislature Governor Culberson sent for me to talk this whole matter over. He confided to me all of the rumors that had reached him. The result was that there was a change made in bookkeepers. J. E. McGuire was the bookkeeper then, and he was removed. Since that time I have not heard very much about the affairs of the institution, as I have not been out there very much. Captain J. F. McGuire bought the place from Mr. Ayres. I think it was principally cultivated with State labor since he purchased it. I do not know what account has been made to the State for labor done there. All that I have seen with reference to that account is the report, an item with so much proceeds received from the work of inmates. I don't know anything about the accounts out there. I don't know whether the account rendered would cover the entire amount of work done by the State labor. All that the boys did was to chop cotton and pick cotton. Whenever they could find a place large enough to keep them they would work there. They would

take them probably to a large plantation in McClennan county, and would keep them for a week or more. I don't know the terms on which the convicts worked. I suppose that when they worked out, that it meant to be paid for in cash. With reference to the accounts and accounting for those things I don't know as I never had any occasion to examine the books. The State paid for a bookkeeper. I don't know how the books have been kept. I have seen convict boys at work on the McGuire farm in passing by, but do not know whether any returns were made for this work or not. I don't know how this was paid, whether it was paid in cash or on the one-third or one-fourth or not at all. With reference to the work done on the McGuire property in town, I will say that I saw some of the boys haul sand and material to make a sidewalk, and in building the fence convicts were used. But do not know whether they were State teams or not. I think for about a few days I saw about half a dozen boys around this place in town, working. I do not know anything about a house being moved from the McGuire farm to town. There was a barn there that showed that it had been moved. It was just before his retirement that I saw the boys there, but only for a day or two. I passed the place from two to four times a day. I did not see any wood or coal hauled to the place. I don't know of any crookedness in the running of the Reformatory, except from what I have rumored around. But I attributed this to the mental condition of McGuire, which I considered in a state of collapse. I don't suppose that Governor Culberson knew about this. I suppose this was kept quiet for the reason that the people here were nearly all intimately acquainted with McGuire, and for the sake of his family did not say very much. For the last six or eight months he was very peculiar at times. I spoke to his wife about it and she said that he must have had a shock of some kind. He did not entertain any to amount to anything, while he was Superintendent of the Reformatory. They have never given any entertainment. The young people would go out once in a while and spend the evening there, singing, etc., but this did not happen very often.

When Mr. Culberson sent for me and related to me these complaints, I told him what I knew about it, just about the same thing that I have already stated to this committee. In addition to this a large farm had been rented above there and one of the trustees had leased it, and worked it by convict labor. I don't know

how many acres were in this place. Culberson told me that he would not tolerate him. He said he would not permit any superintendent to trade with himself, and said that he would remove the trustee and also the bookkeeper. I told him that I thought the old Captain was evidently energetic and watchful in administration of affairs there. The Captain was very anxious about whether he would retain his place as superintendent or not. The Governor told me to tell the Captain that he had decided to retain him, but that his son had to go and give up his position as bookkeeper. The Governor said that thing must stop, and that he could not afford to let the officers of that institution deal with themselves in the matter of labor of the convicts. He said I want to shun every appearance of it. Captain McGuire is a very kind hearted man and one that does not like to be involved in difficulties, and he simply suffered. I am sure that other people took advantage of him while he had the management of the Reformatory. There were his son and his bookkeeper there when the Jersey cattle were bought, and they were selling milk and butter. The present bookkeeper was one of the trustees that had the farm rented. They made a failure of the crop. I know that the crop was all in cotton and that it was a failure. I cannot say how the work done there was to have been paid. Mr. Rogers had the property rented as I understand it. He was trustee from 1895 to 1897. This crop was raised in 1896. If J. E. McGuire was a partner in the lease of the place, I did not know anything about it. He had his hands full being bookkeeper and dairyman out there. Most of the time he ran the dairy at the other place, but sometimes at the Reformatory. I don't know where the feed came from, as I have no means of finding that out. The Governor removed Mr. Rogers as trustee, and I suppose he was elected by the trustees as bookkeeper. The Governor was very much annoyed at the complaint, but I don't think that it was overdrawn, that he heard. I think if there is any mismanagement of affairs at the Reformatory, it was on account of the good nature and general condition of Captain J. F. McGuire, and he was taken advantage of. I cannot say anything with reference to the labor used on the McGuire farm and not accounted for, as I have no means of knowledge. For the past eight months I noticed especially Captain McGuire's mental condition, and I think it is very bad.

## STATEMENT OF J. E. M'GUIRE.

It would be useless for my father to

come before this committee, for the reason that his mind is almost a blank. He don't realize anything that has passed at all. His mind is not in a condition to grasp anything. He received the invitation to come before the committee, but my brother and myself thought it best not to tell him about it. I presume he would be glad to come before the committee. If it is necessary for him to come before the committee I presume he would do so. But I don't think it would be advisable for him to come before the committee in his present mental condition. We are trying to keep him as quiet as possible. As far as he is concerned and on his account, we would prefer for him not to come before the committee, for the reason that he is liable to lose his mind at any time. He sometimes has slight attacks of apoplexy. He fell a short time ago and hurt himself very severely.

I am a married man, and am 34 years of age. I sold the six Jersey cows and a bull to Mr. Wells, that were sold to the State on the 12th day of July, 1898, for \$725, and the five cows to Mr. McKnight, which were sold to the State on July 25th, 1898, for \$500, making an aggregate of \$1225. Mr. Wells made title to these cows and bull to the State, and Mr. McKnight made title to the five cows to the State. I made the bill of sale to Mr. Wells. The trustees at that time were Mathews, Schumate and O'Brien. I turned the cattle over to Wells, and he sold the cattle to the trustees. I had nothing to do with it whatever, and the warrants were made out to Wells and McKnight. I turned the cattle I sold to McKnight over to him. Wells and McKnight held my notes before I turned the cattle over to them. They gave me credit when I turned the cattle over. For two of the cows I paid \$500 to Lipscomb and Prince of Luling. The cows were worth in the market \$125 a piece. Last June I sold six cows to J. M. Logan of Fort Worth, for \$750.00. I bought four of those cows at one time and paid \$1000 for them. And also bought one Jersey bull for \$375. These cows that were bought by the State were kept partly at Waco, and part of them were at my father's farm. The State was in need of these cows at the time of purchase. The State has never up to two years ago, had enough cows to get sufficient milk to give the boys milk once a day, and butter seldom. For the last eighteen months the State has received on an average of twenty gallons of milk a day from my mother without any cost. The milk was sent here to the Reformatory from my father's farm, and was

separated and the milk left here for the use of the boys. The milk was worth 10 cents per gallon. We had no use for the milk, and hence left it here.

There is nothing else that I know of that was given to the State by my father or any other member of my family. The cattle were shipped to Mr. Wells here at Gatesville. I don't think they were all here. The sale was from me to McKnight, and I don't think that McKnight ever handled the stock. He had them only some ten days before they were sold to the State. I had one carload of hay shipped from my father's farm to Waco. I am quite sure that it did not come off of the State property. They cut some hay on the shares for the last two years. I consider that I paid my father for the hay. I wrote to him to send me a carload of hay, and he sent it. It was not actual cash that I paid my father for the hay. He did not draw on me for the value of the hay, which was 230 bales, worth about from \$45 to \$47. My father owed me and I took it on account, but this was not a State account.

I was not in partnership with Mr. Rogers in 1896. I do not know whether any State convicts worked there or not. My books will show this. The sergeants furnished me the statements of time; Mr. Rogers did not furnish me with any. I do not know how much work was done there. I do not know how many acres were cultivated there. I visited there two Sundays while he lived there. I do not know how this report ever became circulated that we were partners. I have heard it mentioned that we were partners. I don't remember what sergeants had charge of the boys. I think the tract of land contains somewhere in the neighborhood of 900 acres, and 700 acres were cultivated in cotton and 200 acres in corn. I cannot say whether this tract contains 900 acres or not. I would consider Mr Davidson a competent and reliable man, and I would trust his statement. When my father first came here the State cultivated several hundred acres of rented land. My father came here in 1891. He came from Fayette county. There were four members of his family. In 1898, I think the Schley place was rented and cultivated, containing about 200 acres. I think there is 400 acres in cultivation on the farm here. I don't know whether he cultivated the Letson last year or not. I was here when they were cutting the top fodder and he went and saw Schley, and told him that he would give him one-half of it if he would permit him to cut it. Last year my father had two renters on his place, and the State had nothing to do with it.

I do not know whether the convicts worked there or not. But whether the State cultivated any of it I do not know. He had, I think, principally a grain crop. I do not know anything very much about his farm over there for the past two years. In 1897 the same land was cultivated as well as in 1898, and they had the Schley place. And also the Letson place, I think. In 1897 the same two renters, A. F. Woods and Barker, cultivated my father's place in 1897, and am satisfied that some of the convicts were used, and some of the State teams were also used. To what extent I cannot say. He said that he had some wood hauled over here to the Reformatory. I do not know whether any charge was made against my father. In 1896 there were charges made of about \$500. I suppose this was paid in money. I made the charges myself. This land was cleared up in 1897. I think about forty or fifty acres were cleared up then. My father owned it for four years; he bought it in 1895 or 1894. There were 700 acres in the tract. It was bought partly on time. The land was bought from Mr. W. L. Ayres. There was about 190 acres in cultivation when my father bought it. There is about 250 acres in cultivation now. It was all fenced. My father built the fence the year before he bought it, and we had the work done for Mr. Ayres. I don't know how long it would take to have cleared it. I don't know how many hands were employed there then. When the work was done it was cleared from the mountain timber. About 100 cords of wood was hauled here to the Reformatory. The work was not charged up, and my father agreed to give the wood for the clearing. I do not know with whom he made the contract. I don't remember whether this was charged up in his individual account or not. All things done for the State and by the State were charged up, and the books will show this. I don't remember what time of the year it was that I was at the farm rented by Rogers. I think it was early in the spring, and the next time just before cotton began to open. I was in the field only one time. I do not know whether all of the land was cultivated or not. This account kept by me against Rogers for labor done by convicts I did not know there was a discrepancy, as shown by my report. I did not pay any special attention to it. I charged him with the work done, and credited him with what he paid. I did not know that there was a discrepancy. This is the first intimation I have ever received to this effect. I think I was keeping books at the time that the wood was hauled over here to



the Reformatory. I think it was about 100 cords. It was not cut into regular cord wood, but some of it was long wood. It is not true that the largest portion of the wood was hauled to the place where they were digging a well on my father's place. The wood of the first year was all brought here, and some of the wood that was cut on the mountain was used in drilling that artesian well there. I do not know anything about the books for 1894. They were here when I left here. I did not tear any leaves out of any books for 1896. The books were all here when I left here. I see by this book for 1896 that the leaves from page 48 to 55 are torn out of the book. I left here in February, 1896, and the books were all here then. The pages that are torn out was the account of my father, as I see by the index. At that time there was a paid bookkeeper paid out of the State fund and was on the State pay rolls. My father was always peculiar about charging things. Sometimes he would tell the bookkeeper to do it, and other times he would go and charge it himself. The item for 1896 of \$500, was in this place and has been torn out. I did not say that I had entered this, but I know that his account amounted to something in the neighborhood of five hundred dollars. I don't know anything about the years 1897 and 1898, as I was not here. I know nothing about the State labor cultivating 150 acres of grain on my father's place last year. He had most of the land rented out I know, but do not know how much this was. He had about 90 acres in wheat, and I heard something in the neighborhood of 1200 bushels were raised. The convict labor worked at that. I do not know how that was paid. The wheat was sold in town to Mr. Saunders. My father and I did not feed any cattle in 1896. He fed fifty-two head of cattle in 1894. I do not know anything about any cattle trade with Mr. Culp. I do not know what has been done with the increase of the cattle for 1897. I do not know how many steer cattle there were on the premises. There were altogether in the neighborhood of seventy head of cattle. My father was not in the custom of trading cattle around. They never raised any steers here at the Reformatory. They would let them get eight or ten months old and then slaughter them. The butter that was sold in town and shipped, came from the place owned by my father. Yes, my father has a gray mare. He bought it at McGregor in 1895. There were some of the convicts chopping cotton out there at that time. The man who owned the mare had made a trade with Mr. McEl-

roy, the sergeant in charge, and McElroy offered him \$60 for the colt. The fellow wanted \$75, and finally when he agreed to take \$60, McElroy backed out. My father then told him that he would give him \$40 for the colt, and he accepted it. I was not present, but this was a cash transaction. The State has never furnished any carriage since my father has been here. He bought a surry last year, and it is the same one that the present Superintendent is now using. He was here seven years, and never had a carriage, and had to furnish his own horse and buggy. I have only a wife. When I first came here the first and second year I got \$25 per month and board. After I married I lived here, and the State provided for both of us for board. I lived with my father's family. The State supplied my family and my father's too. None of the other boys of our family were on the State pay roll. The State did not feed my other brother. I am sure it was not in violation of law. I do not know anything about any mules that my father sold to the State. My father bought the farm from Ayres, and he had it fenced the year before he had the work done by the convicts. I am not able to find it in this book for 1895. (Looked through another book for 1895, and not found.) I was in Waco last fall, and do not know whether it was built by convict labor or not, and do not know what the negro wash shed cost. The shed did not cost more than \$100 to build it, and the \$500 appropriated was not expended in this way, but for contingent expenses. My father had lived in Fayette county for thirty years, in Ledbetter. He still owns this farm. He brought with him some horses, I think two head. Household effects, etc. And notes, money and cash, if he had any. He has in the neighborhood of 300 acres in cultivation in Washington county. All bottom land on Cedar Creek. The wood that was hauled to the Reformatory would amount to about 100 cords, but what was brought from the branch I do not know. Dr. Raby is the president of the bank in Gatesville. My father was to pay for the place \$6500, and part of it in four years.

STATEMENT OF J. D. GRICE, ENGINEER.

I am the engineer of the State Reformatory, and have been here for fourteen months yesterday. I am a practical engineer. I have been running an engine off and on for the last fifteen years. We have only used the heater once since I have been here. I would take nearly one cord of wood for one night. I think one and one-half cords of wood per day would

be sufficient to run the engine. I do not know how much wood there was here. One and one-half cords of wood would be sufficient to run the engine the year around. The wood in the yard at present is not very good, and wood of that kind it would take more to run the engine.

#### STATEMENT OF G. B. M'GUIRE.

As stated to one or two of the committee on yesterday, my father's health has been very bad for several months and he is very feeble. He is under treatment of a physician. I presume that everything that is done here is put before the public, and in his state of mind it would not be just. His mind is in such a state that he might loose it entirely at any moment, and I don't think that he could make any connected statement of anything. I ask you to call on Dr. J. R. Raby, the family physician. I ask you in all kindness that you would allow us to give this statement. After you all speak to the doctors and find out his condition, then he can make a statement, if you wish him to. I am willing to do anything to assist the committee in any way that I possibly can.

I will be 21 years old in April. I am a lawyer. My home is in Gatesville. For the last two years I have lived here. During this time I have been out at the Reformatory most of the time. I was here about two months out of the year 1897—July and August. I have been there since July, 1898. In 1896 I was here for about two or three months during vacation, from July to September, in 1895, the same months, and also in 1894. I was not here when the crop for 1898 was harvested. I do not know who harvested it. My father had about ninety acres in wheat and forty-five acres in oats, and presume it was planted some time in October, 1897. This was on my father's farm. I do not know who harvested the 1898 crop. I don't know the man's name that threshed it. I was not here when it was done. There was about 1200 bushels of wheat made on the farm. We sold about 1000 bushels to Mr. Johnson and Mr. Saunders. 200 bushels we planted at this last time. My father kept the proceeds of the sale. We retained 200 bushels of wheat. We sowed more than 200 bushels of wheat from Mr. Cox. We bought all the balance we sowed. No wheat was gotten from Williamson to be sowed. There is about 135 acres in wheat and thirty acres in oats. About 165 acres in all. It was planted by Mr. Ed. McMordy and Bone, and I believe Norris. About six or eight convicts worked there. State teams and plows

were used to plant this wheat. At that time they were not working for the State, but were on a lay off, and were working for father, and he gave them a lay off. There were about six or eight convicts that helped there. I believe it was one day, I mean that McMordy and Bone had a lay off, and worked for my father on his place during this time. I don't know whether the State was paid for this work or not. I know there was some corn brought from my father's farm to the Reformatory. But I do not know whether he received pay for this from the State or not. The contract was made with the trustees, I suppose, to work the boys. I know that father said that he had made arrangements with the trustees that he had some wood on his farm and work done for wood hauled to the Reformatory. I was not here at that time, which was three years ago. When I came back all the land had been cleared. Some of the wood was lying there and some of it was hauled to the Reformatory. I presume that we have now about between 400 and 500 cords of wood at the Reformatory. In 1897, I think my father's place was planted in grain, but cannot say how much. I do not know where the seed came from, what labor put it in, what labor threshed it or hauled it to market. Up until last year I did not have anything to do with his business. I do not know who picked his cotton. In 1896, I do not know anything about the boys. I think he bought the place in 1895 or 1896. The place contains about 694 acres. That is all the land he owns in that place. I do not know how many acres were in cultivation. About forty acres have been put in cultivation since his purchase of the place. It was bought from Mr. W. L. Ayres. I do not know anything about the clearing, nor what labor did it. I do not know the amount of State labor that has been done on my father's farm. I stated before that I thought it was Norris that helped to sow the wheat, but I think it was Tom Davidson. I think he is an honest man, and I would believe what he says, and would trust him as far as I know him.

#### STATEMENT OF DR. E. B. BAKER.

I have lived in Gatesville for nearly three years. It will be three years on next April. I am from Louisiana. I am acquainted with Captain McGuire. I have known him ever since I have been here. I am not intimately acquainted with him. I do not know anything about his mental condition from my own experience or observation. I would often speak to him for a few moments and then would see him again in five minutes after-

wards, and he would not remember any thing about it. I have not had any business dealings with him. I hardly know that I can say anything about his mental condition. I have been the physician for two years at the Reformatory. Dr. Raby did his family practice. I have made one or two calls on his wife. I think he is hardly competent to make any correct statement. I am basing my statements on what I have seen and what I have heard. I have not had any lengthy talk with him, yet I have noticed his movements for some time. G. B. McGuire has always paid me my vouchers, and paid me the money for the past six or eight months. I think Mr. J. F. McGuire's mind is gradually failing. I have not noticed it so much until the last six or eight months or year. I do not know from what cause this arises. I base my assertion to some extent on what the general impression is in this community. I have heard the expressions of some of the inmates at the Reformatory. I was not his choice out there in the first place, but the trustees put me in. Sometimes he may have his right mind and at other times not.

STATEMENT OF W. L. AYRES.

In the latter part of 1894 I sold a farm to Captain J. F. McGuire. The consideration paid was \$6500, \$3500 cash and balance on one, two and three years time. I sold him about 700 acres. There were about 200 acres in cultivation. I do not know how much there is in cultivation now. The tillable land was in front of the house and east of the house. There was a great deal of brush along the branch. About the branch there has been cleared up fifteen or twenty acres along the branch. It might be twenty-five acres. I have not been on the place, only passing along the road. I do not know who cultivated it. I had one tenant there by the name of Baker. There is probably twenty-five acres or more put in cultivation since I sold the land to McGuire. McGuire has been here since the beginning of Hogg's administration. I won't be positive, but I think he intimated that he got the money from a farm in Fayette county. I think it was from the sale of some cattle or something. I never was about the farm, and do not know whether any State labor has been employed or not. I heard of some complaint being made for State labor being used.

In the last few months I have heard it spoken of very much that Captain McGuire's health and mind were failing rapidly. Before that time I did not observe anything wrong. It has only been

for the last six or eight months that I heard about this. When I sold the farm to Captain McGuire the fence was all around the place and was sufficient for protection. I never built any fence, and never used any convict labor for this purpose. I used some convict labor to clear off some rocks. Some twenty-five or thirty, and I paid the State for this labor. I do not know whether the man I bought this place from, McKenzie, had any fence built or not. I do not know whether the fence was old or new. McGuire did not work any convicts on the farm for me only as I have before stated. I did not make a crop there. I bought the farm along in the fall and sold it before I could make a crop. I only owned the farm for three or four months. I know Mr. W. L. Glass. He is a good reliable man, and I would take his statement as correct. I don't consider Mr. Franks as reliable as Mr. Glass. Mr. Glass is a populist, and a very strong one. Franks is a very quiet man. I am acquainted with several of the guards. Mr. McMordy is rather a wild kind of a fellow, and so is his brother. I do not know Mr. Davidson. Mr. McMordy's statement I presume would be correct, at least I have no cause to doubt it. Mr. McGuire discharged Mr. Culp, so I have heard.

STATEMENT OF A. MATHEWS.

I am not now a trustee of the State Reformatory. I went out of office on the 1st day of February, 1899. I was appointed two years ago. On the 1st day of March, 1897. I visited the institution at least once a month. I did not have anything to do with the hiring of convicts. I did not authorize Captain McGuire to take these convicts and work his land or clear out the land and put it in cultivation. We passed an order the very first thing to the effect that the convicts should not be worked outside of the Reformatory, but we modified this rule by adding that provided the convicts were brought to the Reformatory every night, it would be permissible. I did not know whether they were paid or not. I do not know of any manner in which the State was compensated for the labor of these convicts. I did not know it officially that the convicts were worked on the McGuire farm. To what extent I do not know. I cannot say where all they worked, but I think they did some work for Dr. Raby, for the last two years. As a member of the Board of Trustees I do not know how much they earned by working out the convicts. The main thing that we did was to go out to

the Reformatory and approve accounts. We would look them over and see, as far as we could, whether they were correct. We never questioned them, as we supposed they were always correct. The work we did when we went out there was to approve accounts and issue permits for convicts to have a leave of absence, and investigated little minor things. When the accounts were put before us, we examined them and approved them. Twelve cows were bought, but I did not see them. I approved the account. We did not look into this, for the reason that we took Captain McGuire's word that they were high grade Jerseys. I knew that the cows once belonged to J. E. McGuire, and they were bought fairly and squarely, as far as I know. They came to me and the Captain spoke to me of needing some good cows, and that the old cows were not giving enough milk. I agreed with him that he needed cows, as they really did. The last investigating committee said that they needed milk at the Reformatory. I think the cows bought were well worth the price paid for them. I don't think they belonged to J. E. McGuire at that time. They were bought at different times. They belonged, I think, to Wells and McKnight. I knew of the running of the dairy. I did not know of any cows being milked at his place and brought over to the Reformatory and turned into butter and sold, but I knew that they were making butter on the McGuire farm, as I have bought lots of it myself. I think they sold most of it to Thompson, and it was always very good. I went up several times and saw how the cows were fed. I did not investigate the purchase of wood further than to approve the voucher. I don't know how the bakery was run. Lots of the bread was sold. They came to town every morning, but I have not the least idea how much was being sold per month. They always brought it in every morning in a wagon. For twelve months part of that time I don't think they brought it at all. Probably five months out of these twelve months they did not sell any. I never tried to investigate the amount received per month from the sale of bread. We, as trustees, took it for granted that everything that Captain McGuire did was right. We have never given McGuire permission to work the convicts on his place in any manner, shape or form. The order given by O'Brien to stop all work on the outside did not seem to please Captain McGuire. We never authorized Captain McGuire to use the convicts for digging and building a well and fence, with no understanding that he was not

using them without accounting to the State for them. The book for work was shown to us all, and we presumed that it was all right. I cannot say that I ever saw an account against McGuire for work done on his place. I do not know where the book for 1894 is. I do not know how it happened that McGuire's account is torn out of the book. McGuire seemed to be very attentive to his business. The last few months he seemed to be not very well. Previous to that time, the last twelve months, and the last few months more so, I think he has been in a bad shape, and not so capable to attend to business. We trustees took it for granted that McGuire did everything right, and we did not investigate further than to approve accounts. I never objected to an investigation into his affairs, but we did not feel that it was necessary. At the time we made the order to keep the convicts at the institution at night, he did not seem to like it very much. I never suspicioned anything wrong going on. I think he is a very honest man. One hundred dollars per year was the pay of the trustees. I never investigated things strongly, and took his word for it, and his book-keeper. We never made a strict investigation of affairs at the Reformatory. I think I signed the report that Mr. O'Brien wrote. It was read over at the meeting, and we all signed it, as we knew it was correct. We took Mr. O'Brien's word a great deal on the report, and thought it was a very nice report.

#### STATEMENT OF DR. J. R. RABY.

I have never been a member of the Board of Trustees of the State Reformatory. I have passed on McGuire as a physician. I have practiced more or less for him ever since he has been in Gatesville. I have been his family physician. He is in bad health, and seems not to be himself for the past year. Three months ago he fell on the ice and struck his head. I have not been called to see him. I don't think there is any doubt about his mind failing. Previous to that time he has been capable of attending to his business, and I thought he was a good manager of the institution. Up to the time that his office expired and up to the last year of his administration, I thought he was not at himself very much. I am a banker here in town (Gatesville). I have been a citizen here in town for nearly thirty years. I do not know who the sureties are on J. F. McGuire's bond. I don't know whether he could make a connected statement of affairs or not. I have not heard him

enter into a general conversation for some time. His wife has considered him crazy, and she has always said so. I don't think he remembers any past occurrences. I have not been treating him mentally, and therefore could not make any positive statement. I don't think that I have prescribed for him in twelve months. I have heard some objection to the running of the institution out there, but whether there is any truth in this report I could not say.

STATEMENT OF W. C. O'BRIEN.

In February, 1896, I was appointed trustee of the State Reformatory, and I have served continuously since that time. I went out to the institution about once in a month. It was not with my consent that Mr. McGuire used the convicts on his farm, but whether it was with the knowledge of the other trustees I do not know. I did not know that it was being done. I did not know of any work being done over there. He never asked the Board for permission to use the convicts free of charge. I did not know that the boys worked over there, and if they did I presumed that he had it charged up. I did not know that he grubbed 150 acres and put it in cultivation with convict labor to my knowledge. I understood that he paid for some work in wood. He paid for some work in wood, so he told us. There has been no permission on the part of the Board of Trustees to use these convicts there free of charge. The resident members came here very often when I was not with them. Our relations were not very pleasant. As a general thing, the relations between Captain McGuire and myself were not very pleasant. I tried to pass some rules, one was that I wanted these extra people that did not have any official duty here to pay board. I wanted the bookkeeper and his wife and son to pay something for what they ate here. But I presume it has been the custom of these institutions to feed these people out of the maintenance fund. The other one was to prohibit the superintendent from working the boys off from the Reformatory and keeping them away at night. I got it so that the Governor recommended it, and if they ever were I did not say anything about it. The only knowledge I had that any work was being done there, was in reference to the grubbing of a small piece of ground. This was the latter part of 1895 and 1896, when I first came. The bookkeeper was paid \$50 per month, and board for him and his wife were furnished by the State. This continued for two years, and the first and second I was in. The sec-

ond term instead that he changed bookkeepers and Mr. Rogers went in and raised his salary to \$800, and made him steward at the same time. The Legislature appropriated \$50 per month as bookkeeper and he ought to have been boarding himself. One of the guards has transacted the business as steward, and got \$5.00 extra. The books show that Mr. Rogers got the full amount of salary, and it was a private transaction between Mr. Rogers and the guard. I have been over on the McGuire farm, and have never seen any convicts there. I saw no account of work done by the convicts. I don't remember the months I was there. I never was down on the farm, except where I could see it from the house. I was only at the residence. In November, 1896, I don't know anything about one yoke of oxen being sold. I don't know anything about the coal being sold. My understanding was that the work done by the convicts was to be paid in cash, but sometimes it was paid in other things. Sometimes on credit, etc., until the crop was made. I cannot say what amount is now outstanding due the State, if any. I was not notified every time that I came to visit the Reformatory. I do not know anything about the increase of cattle. I only knew what belonged to the State by what the guards would tell me. Sometimes they would sell one, and sometimes one would die, etc. As I stated before, his private cattle was moved out before I came in, and McGuire had a few cows himself. The herd of E. J. McGuire was moved off. With reference to the twelve cows bought by the State for \$100 apiece, I will say that McGuire told me, and so did the two other trustees, that they needed the cows for milk. And they having agreed to it, I made no objection. After this I learned that they belonged to J. E. McGuire, and that he sold them through another party. I did not see the cattle myself. Five hundred dollars was paid for the five cows. The two trustees consented to the trade, and when I called their attention to it the account had been filed. The cows were said to be very fine cows. He had some cows that he paid \$400 apiece for. I understand that the five cows are here now. These cattle ought to be in the report for 1898. The State did not buy any cattle from McKnight and Wells, of Waco, for \$1200. At least I do not know anything about it. These five cows were bought from McKnight. I do not know for certain whether these cows belonged to young McGuire or not. As a general rule, the Superintendent managed everything of that sort, and seldom ever sub-

mitted anything like that to the trustees, unless it was a big item. His condition for the past year has been very deplorable, and his mind seemed to be failing very fast. I am not an expert, and cannot say whether he is incapacitated to attend to any business. But I would think that he was not capable.

STATEMENT OF L. J. TANKERSLEY.

When I took charge of the Reformatory there were about from sixty-five to seventy-five acres of oats sowed on the State farm. I do not know the exact amount of land in cultivation, but would estimate it at about 350 acres. About 200 acres were broken up and plowed when I came here. Seventy-five acres additional, and about sixty-five acres on the outside, has been broken since I came here. About 140 acres in all. The garden was broken first. The hogs were in a reasonably fair condition when I took charge, but the killing hogs had all been killed. About 100 head of hogs were here. The teams were in good condition. The farming implements were not in a very good shape. Six wagons were in a fairly good condition, and one old wagon was on the place. I do not know exactly how much corn was here, but would estimate it at about 3500 or 4000 bushels. I do not know how much oats and hay was on the place. I had to order wheat the next day after I came. A few barrels of corn meal was here, about from three to five barrels, and sixteen sacks of flour. Coffee and sugar was just about out. I have not hired any convicts out since I have been here. I have been to the McGuire farm. I would guess there are about 250 to 300 acres in cultivation in that farm. I don't know the farm that Eugene McGuire and Mr. Rogers cultivated. I have heard nothing with reference to rebating any merchants for goods bought of them for this institution while Mr. McGuire was in charge of this institution. I saw Mr. McGuire's farm in the early part of February. It was all broken and partly sown and prepared for the crop. I found seventy head of cows and calves, bulls, yearlings, etc. There were twenty-one mules and one horse. There were twenty-one cows giving milk when I got here. About between twenty-five and twenty-eight are giving milk now, that have had calves since then. Some of the cows are Jerseys, and some are mixed with Holstein, and some common stock. I don't think that the institution has a brand for their cattle. The Schley place of about 190 acres was rented last year; it is situated east of the Reformatory. At present we do not get enough milk or

butter either. We get enough butter to give the boys butter two or three times a week. I thing now after the cold spell that we have had, it will be better, and that we will get more milk. The cows have been giving comparatively very little milk, but they are increasing now. I think thirty good cows would be sufficient to run this institution with milk and butter. There are at present between 180 and 200 people on the place, and thirty cows would possibly give that number of people a sufficient quantity of milk. My idea of food for the boys is to give them a variety of food. We give them meat in the morning and noon, and at night we give them a light supper. If we have a good season we can raise enough vegetables for the boys.

L. J. TANKERSLEY (RECALLED).

I think there is about 275 cords of wood at the Reformatory at present. I suppose that we have used fifty cords since I came down there. When I took possession I think there were about 325 cords of wood there. There was nothing left on the place to amount to anything, and not \$50 worth of provisions, as I had to order the next day after I came there. I took estimates of goods there, but do not remember how much it was.

STATEMENT OF C. A. ROGERS, BOOKKEEPER.

I have been here as bookkeeper for two years. I commenced the first of February two years ago. My salary is \$800 per year, and has been that since I have been here. I kept the books for the institution for 1898. The appropriation books and cash books. The work book I did not keep. The Superintendent kept that himself. There is no other book that I know of. I don't think he ever charged up anything against the State. There is no report of work done on his farm. I don't know how the work was done. The place was not rented to the State. I heard him say that he put in about 175 cords of wood here at one time in payment of work. I did not see a stick of the wood myself. For all of the work done on his place there is nothing here to show how much this amount is, and I never received a statement from him. I expect I know less about that work done there than any other man about the institution, and I never knew that there was work done. There is no account of work done on the McGuire farm kept for the year 1898. In 1897 there was no account kept by me for the work done on that place. I was the bookkeeper during 1897, and there was nothing charged to him by me as bookkeeper, or by himself as Superintendent for that year. For 1896 I was then not book-

keeper, and do not know anything about the work done. I was a trustee during 1896. As trustee during the year 1896, there was no contract made with the trustees and McGuire for any work to be done on his place with reference to compensation to the State for such labor to be performed. There was no contract made I am quite sure, for if there would have been I would have a report of it. I only receive a salary as bookkeeper at present. There was no order for 1897 and 1898 to work these convicts on his farm (McGuire). In 1896 I was not the bookkeeper, but was a trustee. He made no contract with the Board of Trustees. He went ahead and did what suited him. In 1896 I did not check him up. I remember hearing of the clearing of his farm in 1895, and there is no record kept of the time that convict labor was used that I know of. (Here some of the accounts were examined and the bookkeeper's statement will fully show this). In 1895 and 1896 there is nothing to show whether he paid the State for work done on the McGuire farm for digging a well and digging post holes. 175 cords of wood would be worth about \$437.50. There is nothing to show by the books with reference to this work. So far as the report shows and so far as my information goes, there was nothing paid the State for any work done on the McGuire place. J. E. McGuire was bookkeeper previous to my time, and up to the time that I took charge. (The book for 1896 was handed Mr. Rogers and he was told to examine the account of Captain McGuire; after turning to the index and from there to the account he stated). I find that the pages of this book from page 48 to page 55 have been torn out of this book. On page 100 I find another account of a few expenditures. The account on page 100 is the same as was in the report for 1896. I do not know anything further than what I have stated about the years 1895 and 1896.

I cannot say anything about a convict squad moving a house from the McGuire farm to town. I have nothing charged against him for the convicts working on his place in town. In his book for 1898 there is nothing against him charged. For the fall of 1897 I have nothing charged in any books for a carload of hay shipped to Waco to Eugene McGuire. There is nothing charged in the Superintendent's book either for this car of hay. The vouchers for seven head of cows that were bought by the State from Mr. Wells are here. And also the cows bought from McKnight. These cows used to belong to Eugene McGuire. What I know about this is very little. I know

that they bought some cows from Wells and McKnight; \$725 was paid Wells and \$500 was paid McKnight. I cannot tell you the pedigree of the cows. I think the parties that sold the cows to the State had a mortgage on them, as I understood it. I really think that Eugene McGuire had them at Waco. They were sold to the State as the cows belonging to Wells and McKnight. I am unable to find any voucher for any wheat purchased of a man by the name of Bush Williamson in September, 1898. We only have a duplicate voucher, and everything is itemized on that voucher, and we have the duplicate here in the office of all vouchers.

Eugene McGuire and I were not in partnership in the renting of a farm in the back of the Reformatory, in 1896. Neither one of the McGuire's had anything to do with it. It went in the name of Rogers alone—my name. It seems to me that Mr. McGuire's mind is declining very rapidly, and this is the general impression throughout the neighboring precincts. I have heard of a good many expressions that his mind is failing him. This has been especially noticed for the past year. I have never heard a doctor say anything with reference to the mental condition of J. F. McGuire.

In the matter of renting the farm in the back of the Reformatory, this was exclusively a job of my own. J. Eugene McGuire was the bookkeeper of the Reformatory at that time. I don't know anything about the reputation that J. E. McGuire and myself were partners. I had a personal contract with the man from whom I rented the land. I raised 100 bales of cotton. The greater part of the work was done with convict labor. There were about 500 acres in cotton. The convicts cultivated all that was cultivated. The contract for the lease of convicts was made with J. F. McGuire (the Superintendent) and the trustees to get the State labor. I made it with all parties. It was a verbal contract and was not in writing. I was to pay for the rent when I gathered the crop. I paid about \$400 of it in cash, some in cotton seed and some in corn. About 200 bushels of corn. I don't owe the State anything for work done there, but have paid for all of it. I don't know anything about the mistakes in the entries of these accounts, as J. E. McGuire was the bookkeeper then. I think he came out to the place once or twice while I was there. The corn of \$80.00 and cotton seed of \$288.70, as shown by the report, was paid by me. I did not assist him in making this report. They bought other cotton seed besides that. Outside of the convict labor



I had a young man hired for a while. His name was Horn. I also had George Warren and Albert Saunders employed. These three hands worked the cotton besides the convicts. Tom Davidson guarded the convicts there for awhile. Will McClendon guarded the balance of the time. I did not keep a record of the time that the convicts worked there. The office charged it up and the Board of Trustees passed on it, and I supposed it was correct. I left it entirely with them as far as the charging up of time was concerned and the number of boys they worked. The State has never received anything for any work done for McGuire on his place or on his place in town. I was not told to keep the time or charge anything against J. F. McGuire, otherwise I would have done so. I was one of the Trustees in 1896. As trustee I did not give McGuire any permission to work the convicts on his private property and not charge the same to himself. The Board to my knowledge, did not have any such contract with J. F. McGuire. I did not know that he was doing it. I did not notify the Comptroller of this fact, for the reason that I did not know it was my duty. The Visiting Committee two years ago passed on things here, and I thought it was all right. I did not tell them that J. F. McGuire was using the convicts for his private benefit, and did not account to the State for the work done. I understood that they were used on the McGuire place, but did not see them. I saw them coming from and going to the place, but never did actually see them work. I did not know that it was my duty, as the bookkeeper of the Reformatory to notify the Comptroller that the State received no compensation for the work done by these convicts for the Superintendent. I tell you how I felt about the matter: J. F. McGuire, the Superintendent, was a big man, and I was only in his employ, and for that reason I did not have very much to say. It never occurred to me to notify anybody. The common talk was that he was using them for his own benefit. I knew of it in a general way, but I never went over to his farm to investigate. They had 100 acres rented from Mr. Schley last year, and it was planted in cotton. I think this was all the land they had rented. They paid one-fourth of the cotton for the rent of this land. The bookkeeper is not compelled to give bond or take any oath of office. The only thing that was ever hauled from the McGuire farm to the Reformatory was 175 cords of wood as I have previously stated. This is all that I have ever seen. This was in 1897. I have known J. F. McGuire ever since I

came here. I do not know what his financial condition was when he came here. I heard he owned a farm. My understanding was, that I think he paid so much, and afterwards he paid the balance. I don't know how much he paid cash. There is no account showing a credit of any wood whatever delivered here. There is no money account showing that McGuire paid for the use of laborers. No accounts are credited with oats, hay wheat and cotton on the books for any work done for McGuire. I know of no money or products that were paid by McGuire for the use of convicts. I did not see the 175 cords of wood delivered on these premises from the McGuire farm. I did not go over the premises when we came out as Trustees, only on some occasions. We only came out to approve vouchers and everything of that kind. I know of no person who saw that amount of wood delivered here by Mr. McGuire. I don't see any account, and know of no account by the State against J. F. McGuire. I cannot say whether ever a piece of wood came on the place from the McGuire farm or not, from my own personal knowledge. I paid \$797.40 for the hire of convicts when I worked the farm in the back of the Reformatory, and this amount is correct so far as I know. I did not keep a record of time that the boys worked, but this was kept in the office. All of my cotton seed went to the State.

C. A. ROGERS (RECALLED).

I do not know how the leaves came out of the book for 1896, and I know nothing whatever about it.

STATEMENT OF J. W. CULP.

I commenced to work for the Reformatory as steward in September, 1895. Queensbury had a squad of men out picking cotton. He had, I think, it was from fifty-five to sixty-five boys at the Davis farm. We stayed there for about three and one-half months. They were getting 50 cents per hundred pounds for picking cotton. I kept accurately the account of the work done on that place, and brought the money in. I collected the money for the work. I collected some and Mr. McGuire collected the rest. I cannot tell without my books how much the work amounted to. My books were burned after I left here. I cannot estimate or make a statement as to how much it was. I have never had occasion to examine the books of the Superintendent on this subject. I suspected that there was something wrong about the affairs here, for the reason that the money reported is not as much as taken in. J. C. Osborn had



charge of a lot of convicts working at Woody Gin, about forty-five men. We remained there for thirty days chopping cotton, and for this work \$160 was due. I did not collect this money. I cannot make an accurate statement as to how much corn I have seen hauled away from this place to be fed to outsiders. I will say five hundred bushels of corn and 5000 bundles of sheaf oats. This was in 1896. It was hauled to Mr. McGuire's private lot and to his farm. Only part of it was hauled to his farm. I exchanged eight head of steer yearlings for twelve heifers with Captain McGuire. The State has a mark, but no brand. I have forgotten what the mark is. I brought the steer cattle to his pasture and farm about one and one-half miles east of the Reformatory, and then got the heifer stock out of the State's pasture under the direction of Captain McGuire. A part of the cattle are now at my home with State's mark, the others I have sold out through the country. These heifers were about one-half bred Jerseys. I have not seen the cattle since I delivered them. He was not present nor had any agent present. He requested me to deliver them at his farm. Then I came to the Reformatory and got the heifers. I did not know at that time that they were State's cattle. I knew that he used no brand or mark, but that the State did. Mr. McGuire himself delivered them to me here at the Reformatory. I knew no cattle around in the country, and made several exchanges of cattle. Two of his employes bought cattle for him while they worked for the State. My cattle were worth about, I suppose, \$90. I suppose the ones I bought were worth about the same amount. He wanted steer cattle and I wanted heifer cattle. I don't remember whether he wanted to feed them or keep them with the drove.

I have seen convicts working on the farm of Mr. McGuire's from 125 on down at one time. There were convicts working on his place almost constantly when there was anything to do. Of course, I did not see them every day, but saw them a number of times. We cleared up about 100 acres of very dense and heavy timber land, and put his farm in cultivation. There was a lot of timber on the land that was grubbed; the rocks were carried off and the stumps taken out. It took us about two and one-half years to clear up the place, working off and on. We worked mostly in the winter seasons. In the winter season of 1895 and 1896, and spring of 1897. He worked from 125 convicts on down. They worked there off and on all the time, but the heaviest work was done in the spring and winters.

The men were fed here during that time. The teams were State teams, and were fed here at the Reformatory, and all the implements belonged to the State. I never had any conversation with Mr. McGuire whether he would pay for any work of these men or not. I never made any report to him for work done for him. Mr. McMordy was assistant sergeant, and Mr. McElroy was sergeant. The Superintendent requested no report made. I asked the sergeant whether no report was made, and he said not. There was no report made as to the services of these men, according to my knowledge. I never said anything about using these men there. He did not speak to the sergeant and assistant sergeant, to my knowledge. Mr. Davidson and Mr. Ed. McMordy are the only ones that were there then that are here now. The negro that waited on the table today was here then, and was one of the convicts that worked there. Every citizen living from here back on that side of the country can testify that they saw convicts working on the McGuire farm. Mr. Glass is a good citizen; he has lived here for a number of years. I think he is cognizant of these facts, and I think Dave Franks also is aware of the same facts. The corn crop last year by placing it at a low estimate, would average at least twenty-five bushels to the acre. The McGuire farm was cultivated in 1896 by convict labor in cotton, but I don't know how much corn. I don't know how many acres were cultivated in 1896, but think it was about 150 acres of the entire farm. In 1897 it was cultivated by State labor. It had been cultivated by State labor ever since McGuire owned it. Last year McGuire cultivated it by State labor in wheat and oats. I was at home a good deal of the time. I passed there every few days. The crop was harvested by State labor and was planted by State labor. It was cultivated by State labor in 1896, 1897 and 1898. The cattle I traded with him he turned in his private pasture. I never traded any more cattle with him. I have no means of knowing his financial condition when he came here. I don't know the terms upon which he bought the place, but you might find out from Mr. W. L. Ayres, the gentleman from whom he purchased the land. He was here four years before he bought the land. The salary of the Superintendent of the Reformatory is \$1800 per year. I don't know whether he has any money loaned out on interest or not. He has paid out about three thousand dollars for his son, Eugene McGuire, on notes. I know it through the authority of the bank and other parties that were acquainted with the business.

McGuire's son, Eugene, and Rogers in 1897, cultivated the farm in the back of the Reformatory. It is about five miles. Convict labor cultivated that farm; I was with them a good deal of the time myself. The teams that belonged to the ranch were used, but convict labor was used, and plows and such as that were used from the Reformatory. The convicts were fed from the institution; they would take their provisions up every Monday morning. This was in 1897. I took some provisions out there myself at times. I left here in April. I took the provisions out of the commissary and took them to the camp on the farm that young McGuire and Rogers had rented. The labor done by these convicts on this place was supposed to have been paid for. There was on an average of twenty-three boys that were kept on the farm all the time, and these were increased during cotton chopping and picking seasons. The State always fed the convicts when they are out at work. I do not know whether this work was paid for or not, and I have reasons to doubt it, for the reason that some of the guards told me that it was not paid for. I understood it was \$200 paid for the entire season. They gathered the crop, too. I know from my own information that they gathered the crop. The contract was to make the crop and gather it. The contract was made with Mr. E. A. Rogers and Eugene McGuire. It was commonly known that the place was rented to old man McGuire. It only went under the name of Eugene McGuire and Rogers. This is an unqualified statement, however. There was somewhere in the neighborhood of one thousand acres of this land.

#### STATEMENT OF ED. E. OSBORN.

I stayed at the Reformatory for several years. In April, 1891, I started to work here. Mr. McGuire took charge in March. I lived at Huntsville, Texas, before I came here. I did not know Mr. McGuire, but I had an uncle that secured me the position. He was employed here, and when I came I did not expect to stay. I came and secured the position as night watchman, which I held for one year. I taught the colored boys then. I held this position from 1892 to March, 1898. I guarded here while I was here. These convicts were at work on the farm of McGuire. I first knew of this in the fall and winter of 1895, that is, when they cleaned up the farm. When they first worked on the farm I disremember. I helped to guard them there. They worked and about during the fall and winter months a majority of that time.

I suppose they worked there about three months in, I think, 1895. After that time I helped guard some boys gathering corn, etc. They gathered the corn for McGuire, and hauled it to his private barn on his place. During the three months in 1895, I worked on an average fifty men. When we were hauling corn I used about six. I attended to the unloading of the wagons. I always left here after breakfast, a little after breakfast, and came back to dinner, and put in a full days work, except the time consumed in eating. It is about one mile from here over there. I believe that this was in 1896, when I gathered the corn. It was 1897 that I unloaded the corn. In 1897 it was cultivated partly by convict labor. A man over there was superintending the work on the McGuire farm. The boys were always fed here. We were paid by the State. We used the State teams. In 1897 the State teams were used. Part of the cultivating seasons some of the teams from the McGuire farm were used. I cannot exactly estimate the amount of work done at the McGuire farm during the year 1897. McElroy was the sargeant. I did this work under the direction of Mr. McGuire. He directed it, and McElroy was the sergeant in charge of the convicts. I don't know whether any time was kept of the work done on the McGuire farm. I did not keep any time, and he did not instruct me to keep any time. It was the sergeant's duty to report the time. I never reported any time, as I was not instructed to do so. I did not report any time to anyone. I was not here during 1898. During 1897 the crop was principally grain. None was brought here to my knowledge. There was no time kept in 1897, as far as I know, of any work done on the McGuire place. A part of the product of the McGuire farm was brought here. The product of both places were shipped more than once a week. I have a few times carried it to the depot. A few times there was corn and hay carried from this place (Reformatory) to the McGuire farm. I do not know how many times this was done. There was no corn used from the McGuire farm at this place. The increase of cattle was partly transferred to the farm of J. F. McGuire. I don't know how many head. They were not brought back to my knowledge. A man by the name of Scotty, I heard say that they were picking up some of the young heifer cattle to take over to the farm (McGuire). I know there were some mules bought here. I don't know from whom they were bought. There were not any mules here when I came.

There was some corn and hay hauled to the McGuire place. I understood some of it was hauled to the depot and shipped from the hay ranch. I think that McMordy told me, as he had charge, and also Tom Davidson. There has been no buying of groceries, dry goods, etc., in town, and any rebating given to merchants that I know of. I have heard the engineer say that it took from one and one-half to two cords of wood per day to run the engine. Mr. Grice is the present engineer. The ordinary price of wood in this town is \$2.00 per cord. And sometimes it is cheaper in large quantities. A good many of the drugs were bought. They were fed sometimes pretty good, and at other times they were not fed as good. There was no butter given them but once or twice a week. I think they sold some hogs to McMordy, but don't remember what time this was. I think it was about 1896. A few times they killed a yearling, and hogs. I don't know how many cattle were killed out of the herd. My understanding was that the beef cattle were bought. The convicts have worked pretty steadily. They would earn seven and one-half cents per hour. If the weather was good the majority of boys, and sometimes all of them, were out at work. A majority who were at work were there a majority of the time. Part of them were off of the State farm. The farm here was cultivated by those that did not go off, and if needed they were called back. There was no unreasonable punishment. If the rules of the Reformatory were violated, they corrected them. If other offences were committed, they were strapped. The convicts put in cultivation the branch that was cleared of wood and brush, and part of the wood was hauled here and the other part was hauled to the McGuire farm. It was mostly pole wood. Some of it was pole wood, and some of it was pulled by a stump puller and was roots. Part of it was good wood. I cannot estimate the amount of wood hauled here. I did not help haul the wood here, and I cannot say how much it was. It was not \$200 worth, I suppose it might have been \$100. I think this was in the fall of 1895 and beginning of winter of 1896. It was not my duty at any time to keep the time of the convicts. There was a portion of the McGuire farm rented to a man who superintended the place. I don't know whether the Reformatory ever received any cash for work done or not. I collected some here one fall for the season before for work performed by State labor. In 1894 I had a camp. The first camp was out west of town about

eight or ten miles. I don't remember exactly what the earnings were. My monthly average was about—well, I really could not say how much. I know a gray mare was brought into camp, but don't know where the mare came from. I am satisfied that the sale of bread amounted to over \$100. I don't know how many acres were put in cultivation on the McGuire farm by convict labor. We worked on the farm when Mr. McKenzie owned the farm. In the fall of 1895 and 1896 we worked on the McGuire farm. In 1896 most of it was planted in grain. I believe in 1896 and 1897 it was principally grain. Woods was on the McGuire farm in 1897, and was supposed to look after the farm. I went there in 1896, I believe. The labor performed on that farm was done by convict labor mostly. Since 1896 no labor of any importance has been done on that farm by anyone except convict labor. While they were cleaning up the ground and fixing the fence, etc., quite a lot of work was done. I think it was bought by McGuire from W. L. Ayres, but I do not know the terms. Mr. McMordy and Castlebury and Davidson did the fencing. There was no private farm around that was kept in as good a shape as the McGuire farm, except probably the Schley place. Mr. Schley also worked convict labor. McGuire's farm had all the attention to make a good crop. I don't know whether the State received compensation for the services of convicts for work done on the McGuire place. I supposed that the trustees were looking out after this part, and the Superintendent being under bond to do the work right, and I did my duty. Of course a man might suspicion things. I have nothing to prove anything by that I might suspicion was wrong. A man by the name of McKnight told me that he was going to get some cows from the Reformatory for which Eugene McGuire owed him some money. I think they were shipped from this depot to town. He told me that he was going to get these cows. A registered Jersey cow usually sells high. I know Eugene McGuire's cows were rated pretty high. I always thought they were overrated. I did not know Eugene McGuire's cows from the balance of the herd. I think a pick of twelve cows would be worth from \$50 to \$75 a piece, and you can get a mighty good cow for this price. I can buy good cows all over this country and buy good cows for \$50. I don't know what became of the increase of the cattle. In the spring and summer seasons we used to kill one about every other day. I don't know what has become of

all the calves that were dropped here. There were some things taken out of the State's storeroom and hauled to the McGuire farm. On one occasion Mr. Priestly was gone and I was on duty in his place, and the wagon from the farm was here and got some flour, sugar and bread and carried it to the McGuire farm. It was about one sack of flour, but the other I have forgotten. My understanding was that some provisions were hauled from the institution to the McGuire farm for the maintenance of hands over there. My impression is that there is general dissatisfaction among the people here with reference to the management of the institution here. I think that McGuire is an honest man, but that he was taken advantage of by others. I think that during the last year McGuire has broken down a great deal mentally: I don't know whether his mind was affected or not. He is not the man now that he was when I came here, but he has broken in health and spirit.

#### STATEMENT OF ED. M'MORDY.

I have been here for four years. I began to work here and it will be five years in September. I have been in continuous service for four years. I was guard for nearly one year, and I was assistant sergeant for nearly two years, and I was first sergeant since the 14th day of February of last year. I am 27 years of age. Not married. As guard my duties were to guard inmates and carry squads. As assistant sergeant my duties were to assist the sergeant in his work. As sergeant my duties were to have charge of all the inmates and all under my care. I cannot say what per cent. of the time and men are employed from this institution. About nine months out of the year they are at work; during the winter months there is not much to do. During 1898 they worked at several places. I worked for R. C. Clark, J. A. Davis, Andrew George, Sank Kitchen, Dr. R. Loftin, Sam McCarver, Powell Brothers, A. L. Powell, R. J. Brown, Dr. J. R. Raby, Schley Brothers, State & Schley, A. F. Woods, W. F. Walker, Steve Winfield, W. L. Ayres, Miller & Bone, Bone Brothers, R. Somers and Raby, Will Somner, Holmes & Raby, Ike Schumate, Sam Marge, Ed. Marge, all for cotton picking. I never added it up to see what the amounts were. I always done the work and turned the time in to the Superintendent. During 1898 I never picked any cotton for Mr. Rogers and McGuire, J. E. I picked 20,771 pounds of cotton for A. F. Woods. I chopped cotton there this last year. I chopped two days. This

would amount to about \$45 for chopping cotton. I am not positive, but I think it was that much, about one and one-half day. Had about sixty boys with me. I broke the land on the McGuire farm. Sowed the wheat and oats. I harvested the wheat with the same men. The men were kept here and fed with the State's food. Captain J. F. McGuire directed me to do this work on his place. A. F. Woods had the cotton and corn land rented. I cannot say what was done with product of the farm. The crop consisted of wheat and oats. I cultivated about 125 or 130 acres there last year. I used the State's teams and State's plows. I harvested it with State machinery. Wesh Williamson threshed it. Captain McGuire sold it, I suppose. I hauled it to town for him with convict labor and State teams. There was about 1200 bushels of wheat and 200 or 300 bushels of oats. Woods had about thirty-five acres of cotton. I did not have charge in 1897, and do not know anything about the work being done there for 1897. He had a man hired to work on his farm in 1897. I don't remember whether I did any work then on that place or not. I cleared some land over there for McGuire. I do not know how much. In 1896 and 1897 I suppose I worked there about from two to three months. In 1896 I suppose I worked there two months. I went out with different number of hands. Sometimes I had forty or fifty, and sometimes not so many. I suppose I cleared seventy five acres of land, and cleared off the rocks and timber, and lots of brush. I never had charge when they were clearing up the land. It was the man in charge who was supposed to have kept a record of time worked there. The time was not given in to my knowledge. The man going out with the boys had to report the time. We worked there nearly all winter. Two or three months about fifteen boys in each squad; from three to six squads. I did not report the amount of the service of these boys to any one. I did not report the amount of their services in the cultivation of the wheat and oats in 1898, nor the cutting and gathering, threshing and hauling to town. I did not report the time for any of this work done on the McGuire farm. He never said anything whether to report the time or not to report the time, but when we went to work on any other place he always told us to keep the time. The work on the McGuire farm was done under his direction and under his supervision, and with his knowledge. He lived here at the institution at that time. He came over to the premises very often and saw how the work was going on. He di-

rected me what he wanted done, and I went to work and did it. The boys were fed here during 1896 and 1897, while clearing the land. The implements were gotten from here belonging to the State. We used the State teams. We hauled some of the wood over to the Reformatory here. I cannot say how much. I cannot say how many cords, but I think it was not 100 cords. This wood was mostly saplings. It was from ten to fifteen feet in length. It was not regular cord wood. There was no account kept of that wood and charge made against the State to my knowledge. I did not have anything to do with it at that time. During the time I was cultivating the farm last year the hands could have been employed elsewhere, as there was lots of work to be done in the neighborhood. I worked there last fall and this winter. I built the fence and trimmed up the timber and hedge. I don't know where the wire came from. I superintended the work with convicts. I think the wire came from town to do the fencing with. I did not do the large amount of fencing. I never hauled any feed to the McGuire farm in 1897 myself. I don't know how much was hauled, but I know there was some hauled. I never hauled any myself but only on one occasion and I think this must have been in 1897. McGuire told me to haul some and he would replace it when his feed was harvested. I think it was about fifteen bushels of shelled corn and some hay. But cannot say how much hay. He improved his place in 1897. In 1897 he kept a squad of boys over there for about a month. They were repairing the house and premises. I have worked there this spring. About August and September, 1898, I broke about 150 acres of land there. This was done with the convicts. With the State's material and State's provisions fed the boys. I did not render any account to the State. The work was done for McGuire and under his directions. The land was lying idle here on the Reformatory grounds, while we were breaking it over there. We ploughed the stubbles in October here. But we first worked McGuire's place. I never did any work on the farm of Rogers and E. McGuire. There was some work done up there. Fifteen boys were up there in the breaking part of the season, and from thirty to forty-five boys in the cultivating seasons. They camped up there. They were fed from here. The farm is about six miles northwest of here. I don't know how long these hands were kept there; until about July, I suppose. There are about 900 acres of land in the tract. In the gathering season they kept from forty-five to fifty hands about two

months. They were kept there during the entire time. Will McClendon was in charge. Mr. Davidson had charge of them in the spring of that year. I have taken cattle over to the McGuire farm at different times. There were some cows and some young ones. I never noticed the exact number. The State has a mark, but do not know whether these cattle had the State's mark on them or not. I don't think that there is any young stock here at present that is marked. I don't know of the sale of any State cattle. I never brought these cattle back and never heard of them being brought back. They are not here as far as I know. I don't know enough about the State cattle to know one from the other. I cannot say whether all of the cattle I took to the McGuire farm are still over there or not. I don't know of any cattle belonging to the State's herd being sold by McGuire to the State. He kept his cattle with the State's cattle. I cannot say how many head he kept here. I think he took about from ten to fifteen head over to his place last fall. He took the yearlings and calves over there every spring. I do not know what has become of the increase of the State cows. We have killed some of the increase. Killed bulls and heifers for the consumption of the meat by the convicts. The wood for 1898, Dr. Raby furnished most of it. Other wood was bought from Kitchen and Schaefer. And some others furnished wood. I don't know anything about the wood very much. It takes about two cords and two and one-half cords per day, to run the engine the year around. In winter time it will take two and one-half cords to the furnace. The furnace is run all the year around. The market price for good wood is \$2.50 per cord. It used to be \$3.00, to the best of my knowledge. I don't know what they pay for wood in town. I cannot say what has been done with the products of this farm. The feed is all used on the State's premises. No more than I have stated has been hauled off the premises to my knowledge. We did not have a very good cotton crop during the year 1897. We had a one-half bale to the acre crop last year. We made seventy-five bales on the State land. About 100 head of hogs have been killed during last winter. They started to butcher them about September, and they were consumed as rapidly as they were killed. They were all killed by about Christmas time. The State now has about from twenty-five to thirty head of Jersey cattle on the place, and about seventy-five head in all. I don't know anything about the appropriation of

State's property to the private use of McGuire. He had some mules here that he claimed were his. I supposed they were. He had six mules and sold three to the State. He told me that he had six mules here. He sold one in Waco, and sold three to the State. I don't know anything about a gray mare that McGuire owns. I never heard McElroy say anything about paying \$50 for this mare. I don't know whether there has been any rebate given to merchants in town for the purchase of dry goods, groceries, etc. I don't know how much cotton was picked on the Rubart place. This institution does not advertise for bids for the purchase of supplies. McGuire was here when I came here, and I don't know whether he brought his cattle with him or not. The milk of the cows that McGuire had here last year was used here. I don't know whether he charged the State for this milk or not. I don't know whether he sold any butter, and cannot say where, if he sold any. It was reported that he sold butter. He furnished the milk for the feed of the cows. I cannot say how much or how often. He would bring the milk from his place and would churn it here at the Reformatory, and leave the milk. They made the butter here. The employees always had butter. I think the convicts received butter from two to three times per week. I cannot say how much was earned by the convicts under my charge last year. I could not estimate it very well. There was something between 400 and 500 bales of cotton gathered in all. The book here was made by myself, and is kept correctly. I was the only one who had charge of the convicts. The cotton that was gathered was not quite 500 bales. I gathered fifty-two bales for Dr. Raby. He paid them a specified sum to work it and gather it. The dairy that was run on the McGuire farm was run by J. E. McGuire. I do not know what McGuire had when he came here. He had been here four years when I came. I heard something about his paying out large sums of money for his son, J. E. McGuire. I know it was somewhere in the neighborhood of \$1000, if not more. This is not a statement from own knowledge, but I have heard that stated. He bought the farm in 1895. I don't know what the terms were. It was about a section (640 acres), probably more. I think he paid \$6500 for the place, but cannot say for certain. He bought some mountain land in this tract. He has 250 acres of good land. Land sells here for about \$10 per acre. I don't know anything further.

## STATEMENT OF W. S. GLASS.

I could not attempt to give a definite number of the convicts that have been employed on the McGuire farm. The fact is that all I know about it is that I have seen hands at work there as I was passing. My property is adjoining to that property. McGuire bought the property in 1895, at least I think it was that year. I do not know the terms of purchase. Some of it was in cultivation when he purchased the property. Mr. McKenzie had owned the place and sold it to Mr. Ayres, and moved from there in the fall of 1894. Mr. Ayres did not have the property but for a very short time when he sold it to Mr. McGuire. One hundred and twenty to one hundred and sixty acres was in cultivation. Some of the land has been cleared up since McGuire bought it. The length of the timbered branch was about three-fourths of a mile, which was cleared up. Along the banks it was pretty well timbered, which was all cleared by Mr. McGuire. The piece of land on this side of the house north of the road, I suppose fifteen acres, was also cleared up. This is my guess, and I cannot state this from accurate measurements. It was mostly small timber. There was another piece cleared right on the branch between his dwelling and my house. I think the gentleman who is tending at Mr. Baker about fifteen acres was cleared up was very brushy, and adjoined this land. Then he also had a farm adjoining me on the mountain, from fifty to sixty acres cleared there. This was all cleared with convict labor. The fence was built around it with convict labor, to the best of my recollection. Last year, 1898, to my recollection, perhaps a couple of hundred acres was cultivated with convict labor, and perhaps some over at Mr. Franks' was also cultivated, but I am not sure of this. There is about 200 acres in cultivation which was cultivated last year. Last year it was in wheat and oats, to the best of my recollection. The grain was put in with convict labor to a great extent, all within my knowledge. It was harvested the same way, but I did not see them in the field. I can not say exactly whether I saw them or not, but do not remember distinctly. In 1897, where wheat was in 1898, there was corn in 1897. The greater part was in cotton and a little field of fifteen or sixteen acres which was also in cotton on this side of the branch. I think there was some land at Mr. Franks in the southeast corner of the McGuire place and I think there was corn there, but I may be mixed up with the year before

(1896.) I don't remember seeing any other labor there except convict labor. I have not been about the convict farm any. I do not know the mark they have for the cattle, if any. The brush was grubbed out as a general thing. This piece of land in the valley and brush land was grubbed out. The branch I suppose they just chopped off, but can not say whether they dug this out by the roots or not. A great deal on the mountain was grubbed, and some of it was schrufted off. I can not say how much it was worth to grub this fifteen acres. I have never had any clearing of this kind done. It was a bad piece of ground and small timber. I would not have undertaken the job for \$6 per acre. I don't believe it could have been done for less than \$20 per acre in the fix that this land was put in. It was ready for the plow when the boys got through with it. It was overgrown with small shin oak, and pin oak and briars, and just so thick in some places that you could not crawl through it. I supposed they grubbed it as they went along. There was a portion of it from which they cut some saplings. They cut them off about three feet above the ground and then pulled the roots up with a stump puller. But most of it was done with the grubbing hoe. I consider the breaking of land worth \$1.25 per acre. \$1.25 used to be the price, but whether it has been lowered I don't know. To cut wheat and shock it would be worth for cutting and binding seventy-five cents per acre; for 200 acres it would be cheaper, and it could also be put in a shock for this price. There was not 200 acres in grain. I do not know where the seed came from that was sowed on the land last year. There was fifteen acres in the valley and fifteen acres on the branch, just above and on the mountain, there was about fifty or sixty acres, perhaps one-half of it had to be grubbed out. About eighty acres in all to be grubbed. I don't know what it would be worth to grub the eighty acres of land. My impression has been that since McGuire purchased the place that he relied on convict labor entirely to do all the work there. I have heard it said that McGuire had softening of the brain, but this is only hearsay. I do not know this of my own knowledge. I can not say whether ever wood was hauled from the McGuire farm to the Reformatory. Most of the wood from the branch was hauled to his place, but do not know where the wood was hauled to from the mountain. They worked in the rock quarries for awhile in 1896. I was under the impression they were using the rock on the McGuire farm, but

can not say whether I actually saw them hauling it or not. The wood was mostly small wood. I can not say whether it was cut into cord wood length or not. A great deal of it was somewhere in the neighborhood of four feet. I don't know whether it was ever made into cord wood, so that it would be measured. It seems to me that along the branch off the fifteen acres they did have some of it cut in cord wood. A great deal of this wood was hauled to his home place. I can not say to what the wood would amount to, if they had hauled all of it here. The amount of wood they brought here I do not know. Wood is worth from \$2 to \$3 per cord here. The general price is about \$2.50. I don't think there was 200 cords of wood on the whole place. But I did not see the wood on the mountain. The timber on the mountain was mostly pin oak. There is not much of this kind of wood sold as cord wood. When they sell they generally cut it into stove wood.

#### STATEMENT OF D. R. FRANKS.

Last year, 1898, the land of McGuire's farm was cultivated. Mr. Woods lived at the house and had a portion of the land rented, at least claimed to, and cultivated it in corn and cotton. It was mostly done by the labor of convicts. It was all of last year cultivated with convict labor, and teams and material belonged to the State. Mr. Woods had four mules and a few of McGuire's mules. The other land that was there was cultivated altogether with convict labor. They used principally the teams of the State Reformatory. The boys were kept at the Reformatory at night. The larger portion was cultivated in wheat, and the other in cotton. I do not know what was done with the product. A portion of the wheat was hauled to McGuire's house. They sacked most of the wheat, but do not know where it was hauled to. In 1897, the land was cultivated in corn and oats. It was all worked by convict labor. When the land was cleared up I was living adjoining. A great deal of it was cleared off with convict labor. They grubbed it and took off all the rocks, and fenced it. The fencing was done with convict labor, and one extra man who superintended the work. My property joins his property, and I was living there during the time he owned the property and when he first bought it. I do not know the terms under which the property was bought. The property now is worth about \$10,000 at least. It was sold for \$6000 I think. It is worth from \$10,000 to \$12,000. The improvements principally were all put in by the con-



victs. A squad of boys was always there to do some work. I could see the work going on all the time, and I saw as many as 100 boys there for weeks, but I never knew anything about whether McGuire paid the State for this work or not. I do not know what has become of the rock that was quarried there. I think there was a right smart amount of the wood hauled here. A good deal of it was very good wood. But some of it was bad. In 1898, I had about fifty dollars worth of work done by convicts. I paid \$25 in cash and the other one-half I paid in wood. In 1897 I had not so much work done as in 1898. I had, I think it was, thirty dollars worth done. I paid this in cash. In 1896 I had a great deal of work done. It was all paid. Some years I paid in beeves. May be something like \$100 in beeves and the balance in cash. In 1895 I had some work done by convict labor. It was all paid. I harvested one year for McGuire. They would just present the bill to me for work done, and I would pay it. All my dealings were considered cash, and he told me that it was just the same and we could make the exchange, by giving him beeves, etc., if it was convenient to me he would rather have them. The beef cattle were, I presume, slaughtered at the Reformatory, and consumed by the inmates. I saw some of the killed here. Two thousand three hundred and ninety-five dollars and nineteen cents for work done by the convicts would not cover what it ought to amount to in 1895. I know that the amount of work done by the convicts that year would amount to more than the above amount. John Powell and myself had it figured up to amount to about \$5000 or \$6000 for the years 1894 and 1895. It has been the custom to take wood and beeves, if a man could not pay cash for work performed by the convicts. The condition of McGuire for the last two or three years seemed all right, but he never, during this time, seemed to me to be the same man that he used to be. He was very forgetful and would forget things from one day to another. I thought his mind was in a condition that was not just right, and did not consider him capable of attending to business like he ought to. For the last two years at least I did not think that he was capable of managing the Reformatory. There is no farm in this section of the country that is in as good a shape or better kept than the McGuire farm. On the first day of January, 1899, it was in a better condition than the State farm here. There is very little difference in the land of that place and the State farm. There is over 300 acres in cultivation on the

McGuire farm; in a fine state of cultivation, and superior to any other farm in this community. Mr. Barker cultivated probably forty acres in cotton, and a very small piece of probably ten acres in wheat. Since McGuire bought the place he has put in cultivation something like 200 acres. I do not know anything about his getting feed from the State farm and hauling it to his place. I cannot state for certain where they got this feed, but I have seen them hauling as many as seven and eight wagons of sorghum and millet to his farm. McGuire has a pasture back in the mountains, containing between 400 and 600 acres, which he bought with the place. He fenced it with convict labor. It had a partial fence around it. He put in new posts and put new wire around it. He put up a good fence and cut off several small lots and pastures. This was all done with convict labor. This was along the first and second year that he bought it. He kept cattle in the pasture. One year he bought something over 100 yearlings and fed them at his farm. I think probably that his son had something to do with these cattle. I do not know where they got the feed to feed these cattle with. I think there was some corn hauled from the Reformatory to the McGuire farm. I don't know that he ever furnished the Reformatory with any beef. He sold the cattle that he fed there. These cattle were fed by convict boys. Tom Rocks was the guard with the boys that fed the cattle there. It must be four years ago this winter. When the calves were sold in the spring, he bought yearlings and the following winter he fed them. He has not fed any cattle there since then. He has kept a herd of Jersey cows there since then. I don't know where he bought them. I think there were some carried over there a few times, but cannot say how many were taken from the Reformatory. I do not know whether they belonged to the State or not. The first cattle that were brought here I knew, but Captain McGuire bought some and claimed they were his. I do not know how he came to keep his cattle here. My brother bought a bunch of cattle for McGuire, and Jack Pancake sold him a lot at one time. I do not remember whether McMordy sold him any cattle or not. It was one of the guards I know. He was a guard here at the time when he bought cattle for McGuire. They sold the cattle after keeping them one winter. They kept them about one year, and sold the whole bunch for \$16 per head to Ike Hansom, being 130 head in all. I do not know anything about the five cows that were sold to the State



on last July, and could not say whether they belonged to Eugene McGuire or not. I don't know what his cows were worth. I don't think that there is a cow on the Reformatory farm that is worth more than \$50. I don't think a cow could be sold from this farm for \$50. I don't know anything about six mules being sold.

STATEMENT OF G. B. M'GUIRE.

(Made before the committee at Austin, after their return from the State Reformatory at Gatesville.)

I have learned that the committee will probably report some adverse things as to the management of the institution at Gatesville, as to the pay that has been received for work done on my father's place by convict labor. I have come before the committee on my own responsibility, acting as I believe that my father would have, were he in a condition to do so. If there has been work done on my father's farm that no pay has been received for it was not intentional on his part. I have come before this committee to state that I am willing to rectify any shortage that there may be for such work performed, as far as I am able to do. It is on my own account and on the account of my family, and laboring under a thing of this kind it would be hard for me to labor it down. If you gentlemen could make known to me the facts upon which the report of the committee will be based and I could rectify them in any way, I am here to do so. I came here for this purpose, and this is my only business here. My brother does not know that I came to Austin for this purpose, but I came on my own responsibility. I did not know that I was coming until about fifteen minutes before I did come. The train had left Gatesville and I drove to Waco and came to Austin early this morning. I am doing this on my own responsibility, and acting as I know my father would act if he were able to do so. If a suit can be avoided by the State against my father and his bondsmen I would rather have it that way. And I would not have his bondsmen pay one cent for him as long as I had a dollar. You gentlemen may say in your report that if you found anything that was due the State by my father, for labor of convicts or from any other source, that it would be readily paid.

Captain J. F. McGuire appeared before the committee upon the request of the said committee, accompanied with his two sons, J. E. McGuire and G. B. McGuire. Mr. G. B. McGuire stated that his father's mental condition was such that he could not make a credible

statement of affairs with reference to the Reformatory, as his mind was in such a condition that he could not remember anything or make any connected statement, and requested that the committee examine his family physician and other physicians. Then if the committee desired for him to do so, they would permit him to make a statement to the committee. After the examination of Dr. Baker, Mr. McGuire was called in and asked to make a statement if he so desired. Mr. J. E. McGuire consented to his father making a statement provided that he and his brother could remain in the same room. The committee consented to this request and Mr. McGuire was requested to proceed with his statement. An objection was then raised by J. E. McGuire to taking down the statement of his father and to be reduced in writing. He said that his father's mental condition was such that he could not make a connected statement and for the sake of the family's name, they would not have his statement reduced to writing. The objection was overruled by the committee, but J. E. McGuire would not permit J. F. McGuire to make a statement to the committee unless it was made without being reduced to writing.

OTTO D. H. PFEUFFER,

Stenographer of Visiting Committee.

BILLS AND RESOLUTIONS.

By Senator Wayland:

Senate bill No. 217, A bill to be entitled "An Act to amend Title XIV, of the Code of Criminal Procedure of the State of Texas, by adding thereto Articles 1068a, 1068b, 1068c, 1068d, 1068e, 1068f, 1068g, 1068h, 1068i, 1068j, 1068k, 1068l, 1068m, 1068n, in relation to the apprehension, identification and conviction of all unknown persons who may be guilty of homicide, and in relation to prescribing a method by which all the circumstances and facts that might lead to the identification and capture of such unknown persons shall be reported, preserved and filed in the office of the Adjutant General of Texas, as a secret archive of that office."

Read first time, and referred to Committee on State Affairs.

By Senator Lewis:

Senate bill No. 218, A bill to be entitled "An Act authorizing the Board of Managers of the Southwest Texas Lunatic Asylum, at San Antonio, Texas, in conjunction with the Governor of the State of Texas, to lease the sulphur water flowing from the artesian wells on the grounds belonging to said asylum." agents of the Southwestern Insane Asylum, at San Antonio, Texas, in conjunc-

tion with the Governor of the State of Texas, to lease the sulphur water flowing from the artesian wells on the grounds belonging to said asylum."

Read first time, and referred to Committee on State Asylums.

Call concluded.

#### PENDING BUSINESS.

The Chair laid before the Senate, on final passage,

Senate bill No. 126, A bill to be entitled "An Act to amend Sections 2, 10 and 13, of Chapter 103, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, providing for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien upon the lands taxed, establishing and continuing such liens, providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State, or to any county, city or town, for the tax due thereon and not redeemed, or which may hereafter be returned delinquent, or reported sold to the State, or to any county, city or town to satisfy the lien thereon, as enacted by the Regular Session of the Twenty-fourth Legislature, being Chapter 5a, of Title CIV, of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act."

The bill having been read a third time on yesterday, action was on final passage, pending which,

By Senator Greer:

"Amend Section 13 by adding after the word 'act,' line 21, page 2, the following: 'Provided, that no interest shall be recovered or collected for any time prior to two years before the filing of suit, or the collection of the delinquent taxes.'"

Adopted by the following vote:

Yeas—25.

Atlee.	Morriss.
Burns.	Odell.
Davidson.	Patterson.
Dibrell.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stone.
James.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.
Miller.	

Nays—3.

Goss.	Stafford.
Gough.	

Absent.

Johnson.

Neal.

Absent—Excused.

McGee.

The bill was then passed by the following vote:

Yeas—16.

Atlee.	Lewis.
Burns.	Linn.
Davidson.	Lloyd.
Dibrell.	Miller.
Greer.	Morriss.
Grinnan.	Odell.
Hanger.	Wayland.
Kerr.	Yett.

Nays—12.

Goss.	Sebastian.
Gough.	Stafford.
James.	Stone.
Patterson.	Terrell.
Potter.	Turney.
Ross.	Yantis.

Absent.

Johnson.

Neal.

Absent—Excused.

McGee.

#### HOUSE MESSAGES.

The following messages were received from the House:

Hall of the House of Representatives.  
Austin, Texas, March 3, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following:

House Concurrent Resolution No. 27, Relating to the death of the Hon. Peter Hansborough Bell, patriot, hero, soldier and ex-Governor of Texas, which occurred at his home at Littleton, North Carolina.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

Hall of the House of Representatives.  
Austin, Texas, March 3, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 44, A bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables, providing the amount of such fees, and for payment of sheriffs' and constables' costs."

Also Senate bill No. 31, A bill to be entitled "An Act to provide a final method of publishing notices and reports required by law to be published by commissioners courts of the various counties of the State, to be effective in all cases where said courts are unable to secure publication thereof in the manner and for the price now provided by law therefor."

Also Senate bill No. 114, A bill to be entitled "An Act to amend Articles 3862, 3863 and 3866, Revised Civil Statutes, relating to the government of the Agricultural and Mechanical College of Texas."

Also Senate bill No. 141, A bill to be entitled "An Act to authorize the Houston & Texas Central Railroad Company to purchase, own and operate the railroad of the Central Texas & Northwestern Railway Company, with its franchises and appurtenances; the railroad of the Fort Worth & New Orleans Railway Company, with its franchises and appurtenances; the Lancaster Tap Railroad, with its franchises and appurtenances; the railroad of the Austin & Northwestern Railroad Company, with its franchises and appurtenances, and the railroad of the Granite Mountain & Marble Falls City Railroad Company, with its franchises and appurtenances, or either or any of such railroads, with its or their franchises and appurtenances; and to authorize the owners of each of said railroads and its franchises and appurtenances, to sell the same; and to authorize said Houston & Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railroads, franchises and appurtenances so purchased, as fixed, or as the same may be fixed, by the Railroad Commission of Texas, and to regulate the reports of such properties and the operations thereof."

Also Senate bill No. 193, A bill to be entitled "An Act to authorize the St. Louis & Southwestern Railway Company of Texas to purchase, own and operate a railway extending from a point in or near the town of Tyler, in Smith county, to a point in or near the town of Lufkin, in Angelina county, with its franchises and appurtenances, known as the Tyler Southeastern Railway; and to authorize the Tyler Southeastern Railway Company and the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of the St. Louis Southwestern Railway Company of

25—Senate

Texas, and to regulate reports of such properties and the operations thereof."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

On motion of Senator Stone the regular order of business was suspended to take up, on second reading,

Senate bill No. 199, A bill to be entitled "An Act to confer authority on the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect."

The bill was read a second time (in full at request of Senator Turney).

Pending action on engrossment, the following amendments were offered:

By Senator Davidson:

"Amend by striking out all in Section 5, after the word 'rape,' in line 27, page 2, of the bill."

Adopted.

By Senator Odell:

"Amend Section 7, page 3, by striking out the entire section and inserting in lieu thereof the following, 'the number of convicts to be paroled shall not exceed fifty during any one year.'"

Lost.

By Senator Morriss:

"Amend by striking out Section 7."

Pending action,

Senator Atlee entered a motion to reconsider the vote by which the amendments by Senator Grinnan to Senate bill No. 135 (see Senate Journal, pages 351 and 352) were adopted.

Senator Gough called up

Senate bill No. 154, A bill to be entitled "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to acquire by purchase or lease the railroad of the Sherman, Shreveport & Southern Railway Company, extending from the city of McKinney, in Collin county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern line of Texas, in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as part of its line, with the right to extend the same and to construct branches therefrom by amendment of its charter under the general laws of the State of Texas, and investing said companies and each of them with the power to make and execute all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said The Sherman, Shreveport & Southern Railway Company before such

sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, when the said railway so to be purchased or leased, has been extended from the city of Jefferson to the eastern line of the State of Texas, in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such line of railway in the State of Louisiana, by lease, trackage or running rights agreement, the use of such line to the said city of Shreveport; and further, to authorize the said The Sherman, Shreveport & Southern Railway Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport," which had passed the House with amendment, and moved that the Senate non-concur in said amendment.

Carried.

Action recurring on Senator Morriss' amendment to Senate bill No. 199 (see above), the same was lost by the following vote:

Yeas—10.

Burns.	Potter.
Hanger.	Ross.
James.	Stafford.
Lloyd.	Terrell.
Morriss.	Wayland.

Nays—17.

Davidson.	Miller.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Sebastian.
Greer.	Stone.
Grinnan.	Turney.
Kerr.	Yantis.
Lewis.	Yett.
Linn.	

Absent.

Atlee.	
Johnson.	Neal.

Absent—Excused.

McGee.

By Senator Davidson:

"Amend Section 5, page 2, in line 27, by striking out the words 'rape or attempt to rape,' and adding to Section 5, after the word 'law' in line 30, the following: 'Provided, that this act shall not apply to persons convicted of rape or attempt to rape.'"

Adopted.

By Senator Odell:

"Amend Section 1 by adding thereto the following: 'Provided, that no parole shall be granted unless the application

for same be approved by the judge before whom the applicant was tried, or the judge of the district court in the county wherein the applicant was tried.'"

Pending action, Senator Atlee moved to adjourn to 10 a. m. tomorrow.

Senator Miller moved to adjourn to 10 a. m. Monday next.

The Senate adjourned until 10 a. m. Monday, by the following vote:

Yeas—17.

Atlee.	Patterson.
Goss.	Ross.
Hanger.	Sebastian.
Kerr.	Stafford.
Lewis.	Stone.
Linn.	Terrell.
Miller.	Wayland.
Morriss.	Yett.
Neal.	

Nays—12.

Burns.	James.
Davidson.	Lloyd.
Dibrell.	Odell.
Gough.	Potter.
Greer.	Turney.
Grinnan.	Yantis.

Absent.

Johnson.

Absent—Excused.

McGee.

### THIRTY-NINTH DAY.

Senate Chamber,

Austin, Texas, Monday, March 6, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	

Absent.

Johnson.	Yantis.
Neal.	Yett.
Stone.	

Absent—Excused.

McGee.